

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRANDI KAE MORGRET,	:	CIVIL ACTION NO. 1:18-CV-302
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
NANCY A. BERRYHILL,¹	:	
	:	
Defendant	:	

ORDER

AND NOW, this 13th day of December, 2018, upon consideration of the report (Doc. 18) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court deny the appeal of Brandi Kae Morgret (“Morgret”) for a period of disability and disability insurance benefits, and it appearing that Morgret has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court observing that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order

¹ Due to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 *et seq.*, former acting Commissioner of Social Security Nancy A. Berryhill is currently presiding as the Deputy Commissioner for Operations of the Social Security Administration. For consistency purposes, however, we continue to refer to Ms. Berryhill as “the Commissioner.”

to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in agreement with Judge Saporito that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 18) of Magistrate Judge Saporito is ADOPTED.
2. The decision of the Commissioner denying Morgret’s application for a period of disability and disability insurance benefits is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Morgret as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania